

In re Appln. of Smith  
Application No. 10/030,317

## REMARKS

### *Pending Claims*

Claims 1-22 are pending in this application. Claims 1 and 22 have been amended herein. The applicants respectfully request that the Examiner reconsider the claims in view of these amendments and the remarks herein.

### *Rejection Under 35 U.S.C. § 103(a)*

The Office Action rejects claims 1-22 as obvious over Bender, stating that previously filed arguments were not persuasive because they appeared to argue structural differences that were disclosed, but not claimed. The Office Action remarks that the term "along a predetermined path" is "a somewhat general term that is not limited in it[s] meaning to a single geometrical ray." Independent claims 1 and 22 are amended herein to more distinctly define and describe the invention by including further defining the term "a predetermined path" to overcome the Examiner's objections and consider the Examiner's insights. More specifically, claim 1 has been amended to include the following limitation:

partially-reflective means for partially reflecting said electromagnetic radiation at successive positions which are spaced apart from each other along a predetermined path *along a single geometrical ray* through the sample, said partially-reflective means being effective at each said successive position to separate incident radiation into a reflected part which is caused by the partially-reflective means to follow said predetermined path and an unreflected part

Claim 22 has been similarly amended to include the following limitation:

partially-reflecting said electromagnetic radiation at successive positions which are spaced apart from each other along a predetermined path *along a single geometrical ray* through the sample, whereby to separate radiation into a reflected part which is caused to follow said predetermined path and an unreflected part


With regard to further discussion concerning the Bender reference, the applicants incorporate their remarks in the previously filed Response to Office Action, and submit the claims as presently amended are in condition for allowance.

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*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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